

RESOLUTION NO. 4034

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LODI

WHEREAS, the City of Lodi (hereinafter referred to as Agency) is a contracting agency of the Public Employees' Retirement System;

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law;

WHEREAS, the Lodi City Council has determined upon legal advice that it may delegate authority to make such determinations to the incumbent of the office of City Manager;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi delegate and it does hereby delegate to the incumbent of the office of City Manager authority to make determinations under Section 2 1023.6, Government Code, on behalf of the Agency, of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System; and,

BE IT FURTHER RESOLVED, that such incumbent be and he is authorized to make applications on behalf of the Agency for disability retirement of employees in employments in which they are local safety members and to initiate requests for reinstatement of such employees who are retired for disability;

BE IT RESOLVED FURTHER, that the disability retirement procedure for Safety Employees be as follows:

1. Determination of Disability. Whenever an application for disability retirement is filed with the Public Employees' Retirement System, by any party, for disability retirement of a local safety member, as that term is defined by the applicable provisions of state law, the City Manager shall thereafter conduct a hearing to determine whether said employee is incapacitated physically or mentally for the performance of the duties of his position. When it is determined that said employee is so incapacitated, he shall be terminated or placed on disability retirement status.

2. Representation at Hearing. The City shall be represented at said hearing by the Assistant City Manager. The employee shall have the right to be represented by himself or any other person he so selects.

3. Evidence of Disability. Prior to the notice of hearing, the City shall submit to the employee a list of not less than three (3) doctors, chosen by the City, from which list the employee shall select one doctor to whom he shall immediately thereafter report for medical and/or psychiatric examination, depending upon the nature of the alleged disability. The results of such examination shall be submitted to, and considered by, the City Manager at said hearing. The employee shall have the right to submit any independent medical evidence he desires at said hearing.

In addition, either party may submit any other and additional evidence, either oral or documentary, which is relevant to the determination as to whether the employee is incapacitated, physically or mentally, for the performance of the duties of his position.

4. Decision. Based upon the evidence presented, the City Manager shall determine whether such employee is incapacitated physically or mentally for the performance of the duties of this position and, if termination of this employment for that reason is made, he shall immediately thereafter notify the Public Employees' Retirement System of his decision.

5. Appeal. If the employee wishes to appeal the ruling of the City Manager he may file written notice of such appeal requesting a hearing before the Personnel Board of Review. That body will review all evidence presented to the City Manager and any additional evidence either the City or the employee wishes to submit. The decision of the Personnel Board of Review shall be final and conclusive.

Dated: February 5, 1975

I hereby certify that the foregoing Resolution No. 4034 was passed and adopted by the City Council of the City of Lodi in regular meeting held February 5, 1975 by the following vote:

Ayes: Councilmen - EHRHARDT, HUGHES, KATNICH,  
SCHAFFER and PINKERTON

Noes: Councilmen - None

Absent: Councilmen - None

  
Alice M. Reimche  
City Clerk